



General Assembly

Substitute Bill No. 156

February Session, 2006

* _____SB00156JUD___032206_____*

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 4b-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (d) Notwithstanding any other statute or special act to the contrary,
5 the Commissioner of Public Works shall be the sole person authorized
6 to represent the state in its dealings with third parties for the
7 acquisition, construction, development or leasing of real estate for
8 housing the offices or equipment of all agencies of the state or for the
9 state-owned public buildings or realty hereinafter provided for in
10 [section 2-90,] sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, as
11 amended, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section
12 4b-66 [.] and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-
13 72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324,
14 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that the Joint
15 Committee on Legislative Management may represent the state in the
16 planning and construction of the Legislative Office Building and
17 related facilities, in Hartford; the Chief Court Administrator may
18 represent the state in providing for space for the Court Support
19 Services Division as part of a contract for an alternative incarceration
20 program pursuant to section 54-103b, as amended by this act; the

21 board of trustees of a constituent unit of the state system of higher
22 education may represent the state in the leasing of real estate for
23 housing the offices or equipment of such constituent unit, provided no
24 lease payments for such realty are made with funds generated from
25 the general revenues of the state; the Labor Commissioner may
26 represent the state in the leasing of premises required for employment
27 security operations as provided in subsection (c) of section 31-250; the
28 Commissioner of Mental Retardation may represent the state in the
29 leasing of residential property as part of the program developed
30 pursuant to subsection (b) of section 17a-218, as amended, provided
31 such residential property does not exceed two thousand five hundred
32 square feet, for the community placement of persons eligible to receive
33 residential services from the department; and the Connecticut
34 Marketing Authority may represent the state in the leasing of land or
35 markets under the control of the [authority] Connecticut Marketing
36 Authority, and, except for the housing of offices or equipment in
37 connection with the initial acquisition of an existing state mass transit
38 system or the leasing of land by [said] the Connecticut Marketing
39 Authority for a term of one year or more in which cases the actions of
40 the Department of Transportation and the Connecticut Marketing
41 Authority shall be subject to the review and approval of the State
42 Properties Review Board. [Said commissioner] The Commissioner of
43 Public Works shall have the power to establish and implement any
44 procedures necessary for [him] the commissioner to assume [his] the
45 commissioner's responsibilities as said sole bargaining agent for state
46 realty acquisitions and shall perform the duties necessary to carry out
47 such procedures. [He] The Commissioner of Public Works may
48 appoint, within [his] the commissioner's budget and subject to the
49 provisions of chapter 67, such personnel deemed necessary by [him]
50 the commissioner to carry out the provisions hereof, including experts
51 in real estate, construction operations, financing, banking, contracting,
52 architecture and engineering. The Attorney General's office, at the
53 request of the commissioner, shall assist the commissioner in contract
54 negotiations regarding the purchase, lease or construction of real
55 estate.

56 Sec. 2. Subsection (e) of section 46b-15 of the 2006 supplement to the
57 general statutes is repealed and the following is substituted in lieu
58 thereof (*Effective October 1, 2006*):

59 (e) The applicant shall cause notice of the hearing pursuant to
60 subsection (b) of this section and a copy of the application and the
61 applicant's affidavit and of any ex parte order issued pursuant to
62 subsection (b) of this section to be served on the respondent not less
63 than five days before the hearing. The cost of such service shall be paid
64 for by the judicial branch. Upon the granting of an ex parte order, the
65 clerk of the court shall provide two certified copies of the order to the
66 applicant. Upon the granting of an order after notice and hearing, the
67 clerk of the court shall provide two certified copies of the order to the
68 applicant and a copy to the respondent. Every order of the court made
69 in accordance with this section after notice and hearing shall contain
70 the following language: "This court had jurisdiction over the parties
71 and the subject matter when it issued this protection order.
72 Respondent was afforded both notice and opportunity to be heard in
73 the hearing that gave rise to this order. Pursuant to the Violence
74 Against Women Act of 1994, 18 USC 2265, this order is valid and
75 enforceable in all fifty states, any territory or possession of the United
76 States, the District of Columbia, the Commonwealth of Puerto Rico
77 and tribal lands." Immediately after making service on the respondent,
78 the proper officer shall send or cause to be sent, by facsimile or other
79 means, a copy of the application, or the information contained in such
80 application, stating the date and time the respondent was served, to
81 the law enforcement agency or agencies for the town in which the
82 applicant resides, the town in which the applicant is employed and the
83 town in which the respondent resides. The clerk of the court shall
84 send, by facsimile or other means, a copy of any ex parte order and of
85 any order after notice and hearing, or the information contained in any
86 such order, to the law enforcement agency or agencies for the town in
87 which the applicant resides, the town in which the applicant is
88 employed and the town in which the respondent resides, within forty-
89 eight hours of the issuance of such order.

90 Sec. 3. Section 46b-123d of the 2006 supplement to the general
91 statutes is repealed and the following is substituted in lieu thereof
92 (*Effective October 1, 2006*):

93 The Chief Child Protection Attorney appointed under section 46b-
94 123c shall, on or before July 1, 2006:

95 (1) Establish a system for the provision of: (A) Legal services and
96 guardians ad litem to children and indigent respondents in family
97 [contempt and paternity] matters in which the state has been ordered
98 to pay the cost of such legal services and guardians ad litem, and (B)
99 legal services and guardians ad litem to children and indigent
100 [parents] parties in proceedings before the superior court for juvenile
101 matters, [as defined in subsection (a) of section 46b-121, other than
102 representation of] other than legal services for children in delinquency
103 matters. To carry out the requirements of this section, the Chief Child
104 Protection Attorney may contract with (i) appropriate not-for-profit
105 legal services agencies, and (ii) individual lawyers for the delivery of
106 legal services to represent children and indigent [parents] parties in
107 such proceedings;

108 (2) Ensure that attorneys providing legal services pursuant to this
109 section are assigned to cases in a manner that will avoid conflicts of
110 interest, as defined by the Rules of Professional Conduct; and

111 (3) Provide initial and in-service training for guardians ad litem
112 provided pursuant to this section and for attorneys providing legal
113 services pursuant to this section, and establish training, practice and
114 caseload standards for the representation of: (A) Indigent respondents
115 in family [contempt and paternity] matters, and (B) children and
116 indigent [parents] parties in juvenile matters, [as defined in subsection
117 (a) of section 46b-121,] other than representation of children in
118 delinquency matters. Such standards shall apply to any attorney who
119 represents children or indigent [parents] respondents or parties in such
120 matters pursuant to this section and shall be designed to ensure a high
121 quality of legal representation. The training for attorneys required by

122 this subdivision shall be designed to ensure proficiency in the
123 procedural and substantive law related to such matters and to
124 establish a minimum level of proficiency in relevant subject areas,
125 including, but not limited to, family violence, child development,
126 behavioral health, educational disabilities and cultural competence.

127 Sec. 4. Subsection (a) of section 46b-123e of the 2006 supplement to
128 the general statutes is repealed and the following is substituted in lieu
129 thereof (*Effective October 1, 2006*):

130 (a) The judicial authority before whom a juvenile or family matter
131 described in section 46b-123d, as amended by this act, is pending shall
132 determine eligibility for counsel for a child or youth and the parents or
133 guardian of a child or youth if they are unable to afford counsel. Upon
134 a finding that a party is unable to afford counsel, the judicial authority
135 shall appoint the Chief Child Protection Attorney [appointed under
136 section 46b-123c] to provide representation. For purposes of
137 determining eligibility for appointment of counsel, the judicial
138 authority shall cause the parent or guardian of a child or youth to
139 complete a written statement under oath or affirmation setting forth
140 the parent or guardian's liabilities and assets, income and sources
141 thereof, and such other information which the Commission on Child
142 Protection shall designate and require on forms adopted by the
143 Commission on Child Protection. Upon the appointment of [counsel
144 for a parent, guardian, child or youth, the judicial authority shall
145 notify] the Chief Child Protection Attorney pursuant to this subsection,
146 [who] the Chief Child Protection Attorney shall assign the matter to an
147 attorney under contract with the [Commission on Child Protection]
148 Chief Child Protection Attorney to provide such representation.

149 Sec. 5. Subsection (c) of section 51-36 of the 2006 supplement to the
150 general statutes is repealed and the following is substituted in lieu
151 thereof (*Effective October 1, 2006*):

152 (c) (1) In any case in which a person has been convicted after trial of
153 a felony, other than a capital felony, or in any case in which a person

154 has entered a plea of guilty or nolo contendere to a felony, other than a
155 capital felony, the official records of evidence or judicial proceedings in
156 the court may be destroyed upon the expiration of twenty years from
157 the date of final disposition of such case or upon the expiration of the
158 sentence imposed upon such person, whichever is later.

159 (2) In any case in which a person has been convicted after trial of a
160 capital felony, the official records of evidence or judicial proceedings in
161 the court may be destroyed upon the expiration of seventy-five years
162 from the conviction of such person.

163 (3) In any case in which a person has been found not guilty, or in
164 any case that has been dismissed or was not prosecuted, the court may
165 order the destruction or disposal of all exhibits entered in such case
166 upon the expiration of ninety days from the date of final disposition of
167 such case, unless a prior disposition of such exhibits has been ordered
168 pursuant to section 54-36a. In any case in which a nolle has been
169 entered, the court may order the destruction or disposal of all exhibits
170 entered in such case upon the expiration of thirteen months from the
171 date of final disposition of such case. Not less than thirty days prior to
172 the scheduled destruction or disposal of exhibits under this
173 subdivision, the clerk of the court shall send notice to all parties and
174 any party may request a hearing on the issue of such destruction or
175 disposal before the court in which the matter is pending.

176 (4) In any case in which a person has been convicted after trial of a
177 misdemeanor or has been adjudicated a youthful offender, or in any
178 case in which a person has entered a plea of guilty or nolo contendere
179 to a misdemeanor, the court may order the destruction or disposal of
180 all exhibits entered in such case upon the expiration of ten years from
181 the date of final disposition of such case or upon the expiration of the
182 sentence imposed on such person, whichever is later, unless a prior
183 disposition of such exhibits has been ordered pursuant to section 54-
184 36a. Not less than thirty days prior to the scheduled destruction or
185 disposal of exhibits under this subdivision, the clerk of the court shall
186 send notice to all parties and any party may request a hearing on the

187 issue of such destruction or disposal before the court in which the
188 matter is pending.

189 (5) In any case in which a person is charged with multiple offenses,
190 no destruction or disposal of exhibits may be ordered under this
191 subsection until the longest applicable retention period under this
192 subsection has expired. The provisions of this subdivision and
193 subdivisions (3), (4) and (6) of this subsection shall apply to any
194 criminal or motor vehicle case disposed of before, on or after the
195 effective date of this section.

196 (6) The retention period for the official records of evidence and
197 exhibits in any habeas corpus proceeding, petition for a new trial or
198 other proceeding arising out of a criminal case in which a person has
199 been convicted shall be the same as the applicable retention period
200 under this subsection for the criminal case from which such
201 proceeding or petition arose.

202 (7) For the purposes of this subsection: (A) "Date of final
203 disposition" includes the date of decision of any direct appeal to a state
204 or federal court, habeas corpus proceeding, direct appeal from a
205 habeas corpus proceeding or petition for a new trial that is brought
206 after a conviction in a criminal case and during the sentence of the
207 person convicted, whichever date is applicable and is later; and (B)
208 "sentence" includes any period of incarceration, parole or special
209 parole.

210 Sec. 6. Subsection (f) of section 52-148e of the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective*
212 *October 1, 2006*):

213 (f) Deposition of witnesses living in this state may be taken in like
214 manner to be used as evidence in a civil action or probate proceeding
215 pending in any court of the United States or of any other state of the
216 United States or of any foreign country, on application to the court in
217 which such civil action or probate proceeding is pending of any party
218 to such civil action or probate proceeding. The Superior Court shall

219 have jurisdiction to quash or modify, or to enforce compliance with, a
220 subpoena issued for the taking of a deposition pursuant to this
221 subsection.

222 Sec. 7. Subsection (a) of section 52-466 of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective*
224 *October 1, 2006*):

225 (a) (1) An application for a writ of habeas corpus, other than an
226 application pursuant to subdivision (2) of this subsection, shall be
227 made to the superior court, or to a judge thereof, for the judicial district
228 in which the person whose custody is in question is claimed to be
229 illegally confined or deprived of [his] such person's liberty. [, provided
230 any application made by or on behalf of a person confined in the
231 Connecticut Correctional Institution, Enfield-Medium or the Carl
232 Robinson Correctional Institution, Enfield, shall be made to the
233 superior court or a judge thereof for the judicial district of Tolland.]

234 (2) An application for a writ of habeas corpus claiming illegal
235 confinement or deprivation of liberty, made by or on behalf of an
236 inmate or prisoner confined in a correctional facility as a result of a
237 conviction of a crime, shall be made to the superior court, or to a judge
238 thereof, for the judicial district of Tolland.

239 Sec. 8. Section 54-103b of the general statutes is repealed and the
240 following is substituted in lieu thereof (*Effective from passage*):

241 The Court Support Services Division shall implement liaison with
242 local community service providers throughout the state for the
243 purpose of improving services delivery for probation referrals.
244 Contractual services purchased shall be predominantly for the purpose
245 of, but not limited to, employment, psychiatric and psychological
246 evaluation and counseling, drug and alcohol dependency treatment,
247 and other services towards more effective control and rehabilitation of
248 probation referrals. The Chief Court Administrator, as part of a
249 publicly bid contract for an alternative incarceration program, may
250 include a requirement that the contractor provide such space as is

251 necessary for staff of the Court Support Services Division to meet with
 252 probationers and to conduct any business that may be necessary to
 253 oversee and monitor such program. Other outside professional service
 254 fees consonant with the primary purpose of improved direct services
 255 shall be within the scope of the authority granted by this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	4b-3(d)
Sec. 2	<i>October 1, 2006</i>	46b-15(e)
Sec. 3	<i>October 1, 2006</i>	46b-123d
Sec. 4	<i>October 1, 2006</i>	46b-123e(a)
Sec. 5	<i>October 1, 2006</i>	51-36(c)
Sec. 6	<i>October 1, 2006</i>	52-148e(f)
Sec. 7	<i>October 1, 2006</i>	52-466(a)
Sec. 8	<i>from passage</i>	54-103b

JUD *Joint Favorable Subst.*